

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD RAY HERMAN,

Defendant.

No. CR 12-00428 (LHK)

**ORDER OF THE COURT EXCLUDING
TIME FROM THE SPEEDY TRIAL
ACT [18 U.S.C. §§ 3161 *et seq.*]**

On motion of the United States, and without objection from the defendant, the court
FINDS as follows.

The defendant has filed a motion to dismiss the indictment. The prosecution has made significant progress toward drafting its opposition, including writing a draft copy of a detailed affidavit. Despite this, counsel for the prosecution needs three additional weeks to complete his brief, with a corresponding three week delay in the hearing. The court, in a separate order, has granted that motion. The brief of the United States is now due on April 24, 2013, and the hearing is now set for May 15, 2013. The court now turns to the issue of excludability of the three weeks for purposes of the Speedy Trial Act.

1 Pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), the court excludes 21 days (*i.e.*, from April
2 24, 2013, to May 15, 2013) to allow counsel for the prosecution reasonable time for effective
3 preparation (taking into account the exercise of due diligence). The court FINDS that the ends of
4 justice served by this delay outweigh the best interests of the public and the defendant (who has
5 not objected) in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

6 IT IS SO ORDERED.

7
8 Date: 4/8/13


HON. LUCY H. KOH
United States District Judge
Northern District of California